

REMARKS

In the Office Action¹, the Examiner rejected claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,003,011 to Sarin et al. ("Sarin") in view of the article entitled "ProjectDash Drives Consistency in Communicating Project Status Online using Innovative Graphical Project Dashboard" ("ProjectDash"), and further in view of U.S. Patent App. Pub. No. 2003/0126003 to vom Scheidt et al. ("vom Scheidt").

By this Amendment, Applicant has amended claims 1, 31, 42, and 57. Applicant respectfully traverses the rejection and requests reconsideration and timely allowance of the pending claims for at least the following reasons.

I. Rejection of Claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. §103(a)

Applicant respectfully traverses the rejection of claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a) as unpatentable over Sarin in view of ProjectDash, and further in view of vom Scheidt. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. ... [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphasizes in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). ... The factual inquiries ... [include determining the scope and content of the prior art and] ... [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Independent claim 1 recites a combination including, for example, "displaying, on a display device, entries indicating status information of procedures, wherein at least one of the displayed entries is marked **with a pending-flag** to alert the user that the procedure associated with the marked entry has a pending action that has not been completed **and that a next action depends on the completion of the pending action**" (emphasizes added). The Office conceded that Sarin and ProjectDash do not teach these elements, but then asserted that vom Scheidt cure the deficiencies of Sarin and ProjectDash. See Office Action, pp. 4-5. However, this assertion is not correct.

Particularly, the Office asserted that vom Scheidt "teaches status flags . . . and further presents notifications that actions are pending." Office Action, p. 5. Without acquiescing to this assertion, Applicant respectfully submits that the Office fails to point out any portion of vom Scheidt that teaches or suggests "a pending-flag to alert the user . . . that a next action depends on the completion of the pending action," as recited in claim 1.

Specifically, vom Scheidt merely teaches various status levels including, for example, "work in progress." See, e.g., vom Scheidt, par. [0067]. Such a status level may at best indicate that the file having this status level is not finished and a user needs to work on the file. See, e.g., vom Scheidt, par. [0073]. However, this status level of vom Scheidt does not indicate whether there is another file depending on the completion of the file being in-progress. In fact, none of the status levels of vom Scheidt has such a function to indicate whether there is another file depending on the completion of the file having one of the status levels.

In view of the above, vom Scheidt also fails to teach or suggest "displaying, on a display device, entries indicating status information of procedures, wherein at least one of the displayed entries is marked with a pending-flag to alert the user that the procedure associated with the marked entry has a pending action that has not been completed and that a next action depends on the completion of the pending action," as recited in claim 1 (emphases added), and thus does not compensate for the deficiencies of Sarin and ProjectDash.

Moreover, independent claim 1 further recites, in part, "receiving, by a processor, a user-entered command to link at least one of the procedures to at least one pre-

existing procedure definition such that **subsequent modifications** made to the linked procedure definition **after linking** are automatically reflected in the linked procedure," (emphases added).

In an Amendment after Final filed October 28, 2010, Applicant presented reasoning why Sarin and ProjectDash also fail to teach or suggest these elements. In a Response to Arguments section of the Office Action, the Office asserted that "[t]hese arguments are repeated from the previous correspondence." Office Action, p. 2. However, this is not correct.

Applicant respectfully notes that the reasoning in the Amendment after Final regarding the above-noted elements is **not** a mere reiteration of the reasoning in previous correspondences. The additional reasoning in the Amendment after Final addressed the Office's reliance on column 9, lines 51+ of Sarin for teaching of the above-noted elements, and explained why such portion of Sarin also fails to teach or suggest the above-noted elements. This reasoning is not present in previously filed responses.

In view of the above, Applicant respectfully requests that the Office consider the reasoning presented in pages 19-20 of the Amendment after Final, because the M.P.E.P. requires that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." M.P.E.P. § 707.07(f), (emphasis added).

As set forth in the reasoning in the Amendment after Final, Sarin and ProjectDash also fail to teach or suggest, at least, "**subsequent** modifications made to the linked procedure definition **after linking** are automatically reflected in the linked

procedure," as recited in claim 1 (emphasized added). Vom Scheidt also fails to teach or suggest these elements, and thus does not compensate for the deficiencies of Sarin and ProjectDash.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Thus, no reason has been clearly articulated as to why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1, and thus claim 1 is allowable.

Independent claims 31, 42, and 57, although different in scope from independent claim 1, recite elements similar to that noted above for independent claim 1. As such, for reasons similar to that discussed above with respect to independent claim 1, Sarin, ProjectDash, and vom Scheidt fail to render independent claims 31, 42, and 57 obvious, and these claims are, therefore, allowable.

Dependent claims 2-21, 23-29, 32-52, and 58-65 are also allowable at least by virtue of their dependence from independent claim 1, 31, 42, and 57, respectively.

Moreover, with respect to claim 7, the Office asserted that Sarin teaches the claimed elements of "introducing rules and pre-configuring ad-hoc coordination patterns to handle exceptions and dependencies within actions." Office Action, p. 6. However, for at least the reasons presented in the Amendment filed March 17, 2010 (the March 17, 2010 Amendment) on page 20, this assertion is not correct.

With respect to claim 12, the Office asserted that Sarin teaches the claimed elements that "actions are grouped into phases." Office Action, p. 6. However, for at

least the reasons presented in the March 17, 2010 Amendment on page 21, this assertion is also not correct.

In view of the above additional reasons, claims 7 and 12 are allowable.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a).

II. Official Notice

The Office took Official Notice with respect to elements of claim 29, stating that "it is old and well known to employ template wizards that enable a user to more accurately complete a template." Office Action, p. 9.

Applicant respectfully traverses the Office's apparent reliance on personal knowledge by Official Notice. M.P.E.P. § 2144.03(C) states "[i]f the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding" (emphases added). Further, M.P.E.P. § 2144.03(A) states, "[o]fficial notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances . . . [o]fficial notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." Because the Examiner appears to be asserting Official Notice based on personal knowledge, Applicant requests the Examiner provide documentary evidence as required by the M.P.E.P. should any rejection be maintained in the next official communication based on Official

Notice. In addition, Applicant asserts that the element of claim 29 quoted above is not old and well known.

Notwithstanding the above, even if the Official Notice were properly taken, which Applicant does not concede, such Official Notice still fails to cure the deficiencies of Sarin, ProjectDash, and vom Scheidt, as set forth above.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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